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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15
16 In re
17 MARK KESEL,
18 Debtor.

Case No. 10-41653-RJN

CHAPTER 11

Hon. Randall J. Newsome

19 **SECOND STIPULATION TO EXTEND**
20 **DEADLINE TO DETERMINE**
21 **DISCHARGEABILITY**

[No hearing required]

1 WHEREAS on April 19, 2010, the Court's Order on Stipulation to Extend
2 Deadline to Determine Dischargeability was entered (Docket No. 41) (the "First Extension
3 Order").

4 WHEREAS the First Extension Order set a deadline of 45 days after the mandate
5 issued in the appeal before the Federal Circuit Court in the matter of Applied Materials, Inc. v.
6 MultiMetrixx, LLC, Mark Kesel, Boris Kesil, and Elik Gershenzon (the "Appeal") for Applied
7 Materials, Inc. ("Applied") to file an adversary proceeding to determine the dischargeability of
8 the debt that was subject to the Appeal (the "Debt").

9 WHEREAS the Federal Circuit Court issued its mandate on the Appeal on January
10 18, 2011 and affirmed the judgment in favor of Applied, which set a March 4, 2011 deadline for
11 Applied to file an action to determine the dischargeability of the Debt.

12 WHEREAS the Debtor has engaged in settlement discussions with Applied and
13 with the other judgment debtors that are liable for the Debt.

14 WHEREAS the Debtor and Applied believe that further extending the March 4,
15 2011 deadline will facilitate continued settlement negotiations that may produce a resolution of
16 the parties disputes and obviate the need to determine the dischargeability of the Debt.

17 The undersigned parties, by and through their counsel have conferred, and subject
18 to this Court's approval, have agreed and stipulated that the:

- 19 1. The deadline for Applied Materials, Inc. to file a complaint to determine
20 the dischargeability of the Debt is extended an additional 45 days to April 18, 2011.
 - 21 2. The deadline may be further extended by stipulation of the parties (without
22 further Court order) or by Court order.
 - 23 3. All other rights of the parties are reserved.
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1 Dated: February 18, 2011

Respectfully submitted,

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